

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|---------------------------------|---|------------------------------------|
| CHARU DESAI, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 4:19-cv-10520-TSH |
| |) | |
| UNIVERSITY OF MASSACHUSETTS, |) | |
| MEMORIAL MEDICAL CENTER, INC. |) | |
| UNIVERSITY OF MASSACHUSETTS |) | |
| MEMORIAL MEDICAL GROUP, |) | |
| UNIVERSITY OF MASSACHUSETTS |) | |
| MEDICAL SCHOOL, UMASS |) | |
| MEMORIAL HOSPITAL, MAX ROSEN, |) | |
| M.D., DARREN BRENNAN, M.D., |) | |
| STEPHEN TOSI, M.D., KARIN DILL, |) | |
| M.D., |) | |
| Defendants. |) | |
| |) | |

UNIVERSITY OF MASSACHUSETTS CHAN MEDICAL SCHOOL'S
MOTION FOR SUMMARY JUDGMENT AND FOR DISMISSAL OF
CERTAIN CLAIMS IN ACCORD WITH RULE 12(B)(1)

For the reasons set forth and supported in the accompanying Memorandum, Defendant University of Massachusetts Chan Medical School ("Medical School")¹ moves for Rule 12(b)(1) dismissal of plaintiff Dr. Charu Desai's claims under the Americans with Disabilities Act, 42 U.S.C. § 12132 (Count 3), the Age Discrimination in Employment Act, 29 U.S.C. § 623(a)(1) (Count 4), and M.G.L. c. 151B, § 4 (age, disability,

¹ The Medical School's name changed to the University of Massachusetts Chan Medical School effective September 7, 2021.

and gender) (Count 5),² and it also seeks Fed. R. Civ. P. 56 summary judgment in its favor on Dr. Desai's other three claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-1 et seq. (gender) (Count 1), the Federal Equal Pay Act, 29 U.S.C. §§ 206(d), 216 (Count 2), and the Massachusetts Equal Pay Act, M.G.L. c. 149, § 105A (Count 6).

Dated: December 17, 2021

UNIVERSITY OF MASSACHUSETTS
CHAN MEDICAL SCHOOL
By its attorney,

/s/ Mark A. Johnson

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² In the L.R. 7.1(a)(2) conferral process, Dr. Desai's counsel indicated that Dr. Desai will not oppose the Medical School's sovereign immunity arguments as to the ADA, ADEA, and c. 151B claims. See Certification, p. 2.

LOCAL RULE 7.1 CERTIFICATION

In accord with LR 7.1(a)(2), I certify that I exchanged emails with Dr. Desai's counsel, Patricia A. Washienko, between December 6-9, 2021, and Attorney Washienko indicated that Dr. Desai "will not oppose [the Medical School's] motion for summary judgment as to her claims under the ADA, ADEA and 151B. She will oppose [the] motion as to the Title VII, FEPA and MEPA claims."

/s/ Mark A. Johnson
Mark A. Johnson

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the above document on all counsel of record by the Electronic Court Filing System (ECF) of the United States District Court for the District of Massachusetts.

/s/ Mark A. Johnson
Mark A. Johnson